

Amendment No. 3 to HB2666

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 2247*

House Bill No. 2666

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2201(a)(1), is amended by deleting the language "ten (10) members, nine (9)" and substituting instead the language "twelve (12) members, eleven (11)".

SECTION 2. Tennessee Code Annotated, Section 49-6-2201(a)(1)(A), is amended by deleting the subdivision and substituting instead:

(A) The speaker of the senate appoints a:

- (i) Director of schools or a person with a valid instructional leader license;
- (ii) Teacher or instructional supervisor in the intermediate grades, grades four through eight (4-8), or a retired teacher or retired instructional supervisor who taught or supervised grades four through eight (4-8); and
- (iii) School librarian or a retired school librarian;

SECTION 3. Tennessee Code Annotated, Section 49-6-2201(a)(1)(B), is amended by deleting the subdivision and substituting instead:

(B) The speaker of the house of representatives appoints a:

- (i) Director of schools or a person with a valid instructional leader license;
- (ii) Teacher or instructional supervisor in the lower grades, grades kindergarten through three (K-3), or a retired teacher or retired instructional supervisor who taught or supervised grades kindergarten through three (K-3); and
- (iii) School librarian or a retired school librarian;

SECTION 4. Tennessee Code Annotated, Section 49-6-2201(b)(1), is amended by deleting the subdivision and substituting instead:

(1) Except as otherwise provided in subdivisions (b)(2) and (3), each member appointed pursuant to subdivisions (a)(1)(C) and (D)(ii)(a) must be confirmed by joint resolution of the general assembly upon the recommendation of the education committee of the senate and the education administration committee of the house of representatives in the legislative session immediately following the appointment.

SECTION 5. Tennessee Code Annotated, Section 49-6-2201(d)(2), is amended by adding the following as a new subdivision:

(D) The persons appointed pursuant to subdivisions (a)(1)(A)(iii) and (B)(iii) serve an initial term of three (3) years, which must expire on June 30, 2025.

SECTION 6. Tennessee Code Annotated, Section 49-6-2201, is amended by adding the following as a new subsection:

(m)

(1) Notwithstanding any law to the contrary, the commission shall:

(A) Issue guidance for LEAs and public charter schools to use when reviewing materials in a library collection to ensure that the materials are appropriate for the age and maturity levels of the students who may access the materials, and that the materials are suitable for, and consistent with, the educational mission of the school. The guidance must be issued to LEAs and public charter schools no later than December 1, 2022, and annually reviewed and updated by the commission by each December 1 thereafter;

(B) Assist LEAs and public charter schools in:

(i) Evaluating the appropriateness of materials in a library collection for which the LEA or public charter school has received feedback from a student, a student's parent or guardian, or a

school employee challenging or questioning the appropriateness of materials that are under review by the LEA or public charter school; and

(ii) Responding to feedback, complaints, or appeals challenging or questioning the appropriateness of materials contained in the library collection of one (1) or more of the LEA's schools, or of the public charter school, that have been filed with the LEA or public charter school as part of a review or appeals process established by the policies of the respective LEA or public charter school, if applicable; and

(C)

(i) Review the list of materials in the library collection of each school operated by an LEA and of each public charter school that has been reviewed and recommended for approval by the Tennessee state library coordinator to ensure that the materials are appropriate for the age and maturity levels of the students who may access the materials, and that the materials are suitable for, and consistent with, the educational mission of the school;

(ii) The commission shall approve or reject the list of materials in the library collection of each school operated by an LEA and of each public charter school that has been reviewed and recommended for approval by the Tennessee state library coordinator, or the commission may approve or reject one (1) or more of the listed materials. The commission shall not approve materials if the materials are inappropriate for the age and maturity levels of the students who may access the materials, or if the materials are not suitable for, or are otherwise inconsistent

with, the educational mission of the school, and, in the event the commission makes such a finding, the finding must be in writing; and

(iii) The commission shall establish a timeline and process for a parent of a student enrolled in a school for which the commission has rejected materials from being included as part of the school's library collection to petition the commission to reconsider the commission's finding that the materials are inappropriate for the age and maturity levels of the students who may access the materials, or that the materials are not suitable for, or are otherwise inconsistent with, the educational mission of the school.

(2) As used in this subsection (m), "materials" and "library collection" have the same meaning as defined in § 49-6-3802.

SECTION 7. Tennessee Code Annotated, Section 49-6-2201(k)(1), is amended by deleting the subdivision and substituting instead:

Before July 1, 2022, six (6) members of the commission constitute a quorum for the purpose of meeting and conducting business. Beginning on July 1, 2022, seven (7) members of the commission constitute a quorum for the purpose of meeting and conducting business.

SECTION 8. Tennessee Code Annotated, Section 49-6-2201(a), is amended by adding the following as a new subdivision:

(4) The Tennessee state library coordinator shall serve as an ex officio non-voting member of the commission. The state library coordinator shall recommend a list of materials, as defined in § 49-6-3802, to the commission for approval. The list recommended by the state library coordinator must contain, from the list of materials in the library collection of each school operated by an LEA and of each public charter

school submitted to the commission pursuant to Section 9, materials that are appropriate for the age and maturity levels of the students who may access the materials, and that the materials are suitable for, and consistent with, the educational mission of the school. The final list of materials approved for inclusion in the school's library collection, as defined in § 49-6-3802, must be approved by the commission before students may access the materials as part of the school's library collection.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) Beginning on January 1, 2023, and by each January 1 thereafter, each LEA and public charter school shall submit the list of materials, as defined in § 49-6-3802, in the library collection, as defined in § 49-6-3802, of each school operated by the LEA and in the library collection of the public charter school, as applicable, to the state textbook and instructional materials quality commission for approval before the materials may be included as part of the school's library collection for the school year immediately succeeding the school year in which the list is submitted to the commission for approval.

(b) A school operated by an LEA or a public charter school shall not include materials, as defined in § 49-6-3802, in the school's library collection, as defined in § 49-6-3802, unless the materials have been reviewed and approved by the commission.

SECTION 10. Tennessee Code Annotated, Section 49-6-2201(a)(1), is amended by deleting the language "twelve (12) members" and substituting instead "thirteen (13) members".

SECTION 11. If Senate Bill 1784 / House Bill 1667 becomes law, then Sections 8 and 10 of this act take effect July 1, 2022, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.